

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CANADIAN TROPHY QUEST, LTD

PLAINTIFF

V.

Case No. 07-CV-4099

CABELA'S INCORPORATED and
CABELA'S OUTDOOR ADVENTURES, INCORPORATED

DEFENDANTS

ORDER

Before the Court is a Motion for Summary Judgment filed by Defendant Cabela's Incorporated ("Cabela's"). (Doc. 23). Cabela's argues that it should be dismissed from this litigation because it is merely a holding company for its subsidiary, Cabela's Outdoor Adventures, Incorporated. Plaintiff Canadian Trophy Quest ("CTQ") has responded. (Doc. 29). Cabela's has filed a reply to CTQ's response. (Doc. 39). The Court finds the matter ripe for consideration.

"[S]ummary judgment is proper only if the nonmovant has had adequate time to conduct discovery." *Robinson v. Terex Corp.*, 439 F.3d 465, 467 (8th Cir. 2006). Federal Rule of Civil Procedure 56(f) allows the Court to deny summary judgment if a party can make a good faith showing that it has not had adequate time for discovery and that more time for discovery would allow it to discover additional evidence that might rebut the movant's showing of the absence of a genuine issue of material fact. Fed. R. Civ. P. 56(f); *see Robinson*, 439 F.3d at 467.

Cabela's filed its motion for summary judgment prior to any discovery being initiated. Thus, CTQ has had no opportunity to conduct discovery. CTQ has informed the Court that it anticipates that the discovery process will afford it the opportunity to develop evidence to withstand Cabela's summary judgment motion. Accordingly, the Court finds that Cabela's summary judgment motion is improper at this time because CTQ has not been given a full opportunity to develop facts and evidence through discovery.

Upon consideration, the Court finds that Cabela's Motion for Summary Judgment should be and hereby is **DENIED**. Cabela's may refile its summary judgment motion after CTQ has had adequate time to conduct discovery relating to the summary judgment motion.

IT IS SO ORDERED, this 14th day of August, 2008.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge